

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:08-cv-00597

TEAM 7, LLC, BALLISTIC PROTECTION
TECHNOLOGIES, LLC, BRAZZOE, LLC,
CHESTER SECHREST, PAUL CARTER,
GERALD CARTER, TONY BELL, and
PLATINUM INVESTMENTS, LLC,

Plaintiffs,

v.

PROTECTIVE SOLUTIONS, INC., DAVID
DUNCAN, BALLISTIC SOLUTION
TECHNOLOGIES, LLC, R. LUPTON
PITTMAN, III, and PROTECTIVE
ENTERPRISES, LLC,

Defendants.

ORDER

For good cause shown, the Court hereby grants the Plaintiffs' Consent Motion to Seal [DE# ____] filed by Plaintiffs Team 7, LLC ("Team 7"), Ballistic Protection Technologies, LLC ("BPT"), Brazzoe, LLC ("Brazzoe"), Chester Sechrest ("Sechrest"), Paul Carter ("P. Carter"), Gerald Carter ("G. Carter"), Tony Bell ("Bell"), and Platinum Investments, LLC ("Platinum") (collectively referred to herein as "Plaintiffs"). Having considered the Consent Motion to Seal and its supporting papers, and the pleadings and papers of record, the court hereby finds that a portion of the Plaintiffs' Memorandum of Law filed in support of Plaintiffs' Motion for Partial Summary Judgment, as identified in the Plaintiffs' Consent Motion to Seal, contains one reference to information that Defendants Protective Solutions, Inc., David Duncan, and Protective Enterprises, LLC (collectively referred to herein as "Protective Defendants") had designated as

“Confidential” pursuant to the Consent Protective Order, and that Protective Defendants believe that this information is sensitive, confidential, and proprietary commercial information related to Defendant Protective Solutions, Inc.’s business operations, and that public dissemination of this information would harm Protective Defendants.

Accordingly, the Court further finds that this harm outweighs any right of access granted by the common law or First Amendment, and because the information designated as “Confidential” by Protective Defendants cannot be redacted without omitting important, confidential business information and other materials not generally available to the public that are necessary to support the Plaintiffs’ Motion for Partial Summary Judgment, and there appears to be no less restrictive alternative to sealing the document, the Plaintiffs’ Consent Motion to Seal should therefore be granted for good cause shown.

The Court further finds that Counsel for Protective Defendants consent to Plaintiffs’ filing a corrected copy of their Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment to replace the Memorandum which is being placed under seal and that the filing of this corrected copy shall not affect Plaintiffs’ timely filing of their Motion for Partial Summary Judgment or Protective Defendants’ deadline for responding to Plaintiffs’ Motion for Partial Summary Judgment.

IT IS THEREFORE ORDERED that the Plaintiffs’ Consent Motion to Seal be, and the same is hereby, GRANTED, and that the Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment, be filed and maintained by the clerk in accordance with the Local Rules of this Court, pending further orders of this Court.

IT IS FURTHER ORDERED that Plaintiffs may file a corrected copy of their Memorandum of Law in Support of Plaintiffs’ Motion for Partial Summary Judgment

without affecting the deadlines for filing dispositive motions or responses to dispositive motions.

SO ORDERED.

Date: 7.6.10


U.S. District Court Judge